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4 **UNITED STATES DISTRICT COURT**  
5 **DISTRICT OF NEVADA**

6 \* \* \*

7 UNITED STATES OF AMERICA, )

8 Plaintiff, )

9 vs. )

10 DONALD M. DAVIDSON, )

11 Defendant. )  
12 \_\_\_\_\_)

2:05-CR-0440-RLH-LRL

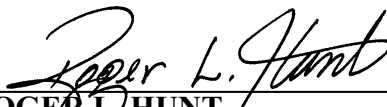
**ORDER**

13 Before this Court is the Report and Recommendation (#71, filed June 7, 2007) of  
14 United States Magistrate Judge Lawrence R. Leavitt, regarding Defendant's Motion to Dismiss  
15 Count One of the Second Superseding Indictment (#49). Objections (#76) were filed to Magistrate  
16 Judge Leavitt's Report and Recommendation in accordance with Local Rule IB 3-2 of the Rules of  
17 Practice of the United States District Court for the District of Nevada. The Government has filed an  
18 Opposition (#82) thereto, and the matter was submitted for consideration.

19 The court has conducted a *de novo* review of the record in this case in accordance  
20 with 28 U.S.C. §636(b)(1)(B) and (C) and Local Rule IB 3-2 and determines that the Report and  
21 Recommendation of Magistrate Judge Leavitt should be accepted and adopted.

22 IT IS THEREFORE ORDERED that Magistrate Judge's Report and Recommenda-  
23 tion (#71, entered June 7, 2007) is AFFIRMED and ADOPTED, Defendant Davidson's Motion to  
24 Dismiss Count One of the Second Superseding Indictment (#49) is denied.

25 Dated: June 19, 2007.

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ROGER L. HUNT  
Chief U.S. District Judge